

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN PABLO CHAVEZ,

Plaintiff,

-against-

CAUSE YALL TOOK MY PHONES I DON'T  
KNOW THEIR NAMES,

Defendant.

21-CV-8526 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 16, 2021, the Court dismissed Plaintiff's complaint as frivolous. (ECF No. 4.) On December 16, 2021, although his time to appeal this order had not yet expired, Plaintiff filed a motion for an extension of time of file a notice of appeal. (ECF No. 6.) Plaintiff also filed a notice of appeal, seeking to appeal the Court's November 16, 2021 order. (ECF No. 7.)

Under Fed. R. App. P. 4(a)(1)(A), a notice of appeal in a civil case must be filed within thirty days after entry of judgment. "[T]he taking of an appeal within the prescribed time is mandatory and jurisdictional." *In re WorldCom, Inc.*, 708 F.3d 327, 329 (2d Cir. 2013) (citation and internal quotation marks omitted). Because Plaintiff's notice of appeal was filed within thirty days after entry of the order dismissing the action, the notice of appeal was timely and a motion for extension of time to appeal was unnecessary.

Plaintiff's motion for an extension of time to file a notice of appeal (ECF No. 6) is denied as moot. The Clerk of Court is directed to process the appeal.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is further directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: February 2, 2022  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge